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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/789,571	02/27/2004	Slaven Radic	0108-0239	9252

33787 7590 03/26/2008  
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EXAMINER
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RAMPURIA, SHARAD K

ART UNIT	PAPER NUMBER
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2617

MAIL DATE	DELIVERY MODE
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03/26/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/789,571	RADIC ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Sharad Rampuria	2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 25 October 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-4 and 6-34 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 6-34 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### *Disposition of the claims*

I. The current office-action is in response to the Remarks filed on 10/25/2007.

Accordingly, Claim 5 is cancelled, thus, Claims 1-4, 6-34 are imminent for further assessment as follows:

### *Claim Rejections - 35 USC § 102*

II. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 3-4, 6-21, 23-28, & 30-34 are rejected under 35 U.S.C. 102 (b) as being anticipated by **Bloebaum, L. Scott et al.** [US 20020098849 A1].

As per claim 1, **Bloebaum** teaches:

In a mobile station, a method of facilitating the determination of Global Positioning System (GPS) location information without disrupting voice communications of a voice call involving the mobile station (Abstract and ¶ 0008) comprising the acts of:

Causing GPS navigational-type data to be received through a wireless transceiver of the mobile station and stored in memory of the mobile station prior to voice communications of a voice call involving the mobile station; (i.e. ¶ 0038-0039)

Receiving through a user interface of the mobile station, a voice call request for a voice call by an end user; (i.e. the communication between the mobile phone and the authority is established; ¶ 0038-0039)

In response to receiving the voice call request: deriving GPS assistance data based on the stored GPS navigational-type data; tuning the wireless transceiver to a GPS frequency to receive signals from a GPS system through the wireless transceiver; (i.e. capture the position of mobile; ¶ 0038-0039)

Prior to establishing the voice call, causing a GPS fix to be performed with signals from a GPS system through a wireless transceiver using the GPS assistance data to thereby obtain GPS measurement data; (i.e. capture the position of mobile; ¶ 0040) and

After the GPS fix is performed, causing the voice call to be established and maintained for the mobile station through the wireless communication network with the wireless transceiver; (i.e. the voice-call connection is continued; ¶ 0045)

During the voice call, causing the GPS measurement data and a request for calculating a location of the mobile station to be transmitted to a location server in the wireless communication network for calculating the location of the mobile station based on the GPS measurement data. (i.e. calculating a location of the mobile station, during the voice call; ¶ 0045)

As per claims 3, 17, Bloebaum teaches:

The method of claim 1, wherein the act of causing the GPS navigational-type data to be received and stored in memory of the mobile station comprises the further acts of regularly causing the GPS navigational-type data to be received and stored in the memory during one or

more time periods that the mobile station would have otherwise been in an idle mode of operation. (i.e. ¶ 0038)

As per claims 4, 18, Bloebaum teaches:

The method of claim 1, wherein the act of causing the GPS navigational-type data to be received comprises the further act of causing the GPS navigational-type data to be received from the location server. (¶ 0019)

As per claims 6, 19, Bloebaum teaches:

The method of claim 1, further comprising: identifying a trigger signal indicative of the voice call request at the mobile station; wherein the act of identifying the trigger signal includes at least one of the following: identifying a detection of the mobile station being taken out of a holster, identifying a selection of a phone application of the mobile station, identifying a selection of one or more digits of a telephone number for the voice call, identifying a selection of entry of the telephone number for the voice call, and receiving the trigger signal from a personal computer (PC) or laptop. (i.e. ¶ 0013)

As per claims 7, 20, 26, 33, Bloebaum teaches:

The method of claim 1, further comprising: identifying a phone number of the voice call; and wherein the act of causing the GPS fix to be performed is contingent on the phone number of the voice call. (i.e. ¶ 0029)

As per claim 8, **Bloebaum** teaches the method of claim 1, wherein the GPS navigational-type data comprises GPS ephemeris data and/or GPS almanac data. (i.e. ¶ 0008-0009)

As per claim 9, **Bloebaum** teaches method of claim 1, wherein the GPS assistance data comprises at least one of: GPS satellite PseudoRandom Noise (PRN) code identifying data, Doppler frequency data, time delay window data, and bit contents of the GPS navigational data. (i.e.; ¶ 0013)

As per claim 10, **Bloebaum** teaches the method of claim 1, wherein the GPS measurement data comprises GPS pseudorange data. (i.e. pseudorange data; ¶ 0013)

As per claim 11, Bloebaum teaches:

The method of claim 1, wherein the location server includes a Position Determination Entity (PDE). (i.e. ¶ 0013)

As per claim 12, Bloebaum teaches:

The method of claim 1, further comprising: receiving the location of the mobile station from the location server through the wireless communication network. (¶ 00132)

As per claims 13, 24, 31, Bloebaum teaches:

The method of claim 1, further comprising: refraining from causing the GPS fix to be performed during the voice communications of the voice call. (¶ 0045)

As per claims 14, 25, 32, Bloebaum teaches:

The method of claim 1, wherein at least a portion of the same wireless receiver is utilized for both acts of performing the GPS fix and causing the voice call to be established and maintained. (¶ 0046)

*Claims 15, 21, 28*, are the **method, apparatus**, claims, corresponding to **method** claim 1 respectively, and rejected under the same rational set forth in connection with the rejection of claim 1 respectively, above.

As per claims 23, 27, 30, 34, Bloebaum teaches:

The method of claim 21, wherein the trigger signal is based on an actuation of an END key. (i.e. ¶ 0028)

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any

evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 2, 22, 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Bloebaum** in view of Tendler; Robert K. [US 5736962 A].

As per claims 2, 22, 29, **Bloebaum** teaches all the particulars of the claim except a 911 emergency call. However, Tendler advocates in an analogous art, that the method of claim 1, wherein the voice call comprises a 911 emergency call. (e.g. 911; Col.5; 9-16) Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify **Bloebaum** including a 911 emergency call in order to provide a system for assisting emergency personnel to determine the validity of GPS-derived location through the annunciation of the time since last fix.

### ***Response to Amendment***

III. Applicant's arguments with respect to claims 1-4, 6-34 has been fully considered but is moot in view of the new ground(s) of rejection.



***Conclusion***

IV. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sharad Rampuria whose telephone number is (571) 272-7870. The examiner can normally be reached on M-F. (8:30-5 EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Trost can be reached on (571) 272-7872. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000 or

[EBC@uspto.gov](mailto:EBC@uspto.gov).

/Sharad Rampuria/  
Primary Examiner  
Art Unit 2617